AMENDMENT TRANSMITTAL LETTER		CLIENT-MATTER NO.: 66654-684 (P-LJ 5037)	
SERIAL NO: 10/001,254	FILING DATE: November 15, 2001	EXAMINER: G. Nickol	GROUP ART UNIT: 1642 CONFIRMATION NO.: 8329
INVENTION: NOVEL DEATH DOMAIN PROTEINS			

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Transmitted herewith is a response to the Restriction Requirement mailed September 17, 2003, in the above-identified application.

_X_ Small Entity status of this application has been established under 37 CFR 1.27.

____ One executed Terminal Disclaimer.

____ Request for an Extension of Time (in duplicate).

_X_ No additional claims fee is required.

___ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMEND-MENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE SMALL ENTITY	RATE OTHER ENTITY		FEE SMALL ENTITY	FEE OTHER ENTITY
TOTAL CLAIMS	56	-	56	-	0	x	$9	$18	=	$	$
INDEPEN-DENT CLAIMS	20	-	20	-	0	x	$42	$84	=	$	$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			_____YES		___X__NO		$140	$280	=	$	$
							TOTAL ADDITIONAL FEE			$0	$

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

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____ Please charge my Deposit Account No. 502624 the amount of $ which covers the fee for an extension of time. A duplicate copy of this sheet is enclosed.

_X_ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

_X_ The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

October 17, 2003
Date

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92122

10-20-03 41 1642

PATENT
Client-Matter No.:
66654-684 (P-LJ 5037)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
Reed et al.)
)
Serial No.: 10/001,254)
)
Filed: November 15, 2001)
)
For: NOVEL DEATH DOMAIN PROTEINS)
)

Confirmation No: 8329

Group Art Unit: 1642

Examiner: G. Nickol

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Paul Choi
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Paul Choi
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed September 17, 2003, entry of the following remarks is respectfully requested.

REMARKS

Claims 1 to 52 are pending, and have been restricted under 35 U.S.C. § 121 into the 31 groups shown on pages 2-15 of the Office Action mailed September 17, 2003. The Office Action also indicates that one sequence must be elected for

examination, depending upon which group of claims is elected, as set forth in bold text on pages 2-25 of the Office Action.

Applicants traverse the restriction and election of sequence requirements for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect the invention of Group 4, claims 14 to 21 and 23, for examination. In addition, Applicants elect SEQ ID NO:16 (human IRAK-4) for examination with respect to the claims of Group 4. Applicants point out that claims 17 to 21 and 23 recite IRAK-4 sequences, while claims 14 to 16 as filed do not recite an IRAK-4 sequence. Applicants reserve the right to pursue prosecution of non-elected subject matter in one or more related applications that claim the benefit of priority to the subject application.

Applicants respectfully traverse the sequence election requirement with respect to nucleic acid molecules encoding amino acid sequences SEQ ID NOS:6, 16 and 26 because each of these sequences corresponds to a form or domain of human IRAK-4. Specifically, as is set forth in the specification, SEQ ID NO:16 corresponds to a long form of human IRAK-4 (page 106, lines 15-21); SEQ ID NO:26 corresponds to a short form of human IRAK-4 (page 106, lines 22-23 and page 128, lines 15-18); and SEQ ID NO:6 corresponds to the death domain of human IRAK-4 (page 106, lines 27-30). Therefore, a search of prior art in relation to SEQ ID NO:16 will reveal art relevant to SEQ ID NOS:26 and 6. Thus, search and examination of nucleic acid molecules encoding amino acids SEQ ID NOS:6, 16 and 26 would not pose an undue burden on the Examiner.

Applicants respectfully traverse the restriction requirement with respect to the division of the claims of elected Group 4 from those of Group 1. Applicants submit that while the claims of Group 4 are patentably distinct from those of Group 1, a thorough search of Group 4 claims will identify art relevant to Group 1. In this regard, the claims of Group 4 are directed to nucleic acid molecules while the claims of Group 1 are directed to isolated polypeptides encoded by the nucleic acid molecules of Group 4. A thorough search of the recited nucleotide sequences will include a search of polypeptides encoded by the sequences. Specifically, any nucleotide sequences identified in a search can be readily translated into corresponding amino acid sequences. For this reason, Applicants submit that search and examination of the claims of Groups 4 and 1 together would not impose an undue burden on the Examiner.

CONCLUSION

In view of the above remarks, Applicants elect the claims of Group 4 (claims 14 to 21 and 23) with respect to nucleic acid molecules encoding human IRAK-4 sequence SEQ ID NO:16, and request that the Examiner also consider nucleic acid molecules encoding IRAK-4 amino acid sequences SEQ ID NOS:6 and 26. Applicants further request that the Examiner reconsider the restriction requirement and examine the claims of Group 1 together with those of elected Group 4. Should the Examiner have any questions, he is invited to call Cathryn Campbell or the undersigned agent.

Respectfully submitted,

Date: October 17, 2003

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